

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES' NOTICE IN RESPONSE TO DEFENDANTS'
JULY 22, 2014 ADVISORY

The United States provides this preliminary response to the Advisory (ECF No. 431) filed yesterday on behalf of the Texas Department of Public Safety ("DPS"). The Advisory provided a declaration stating that the DPS database extract provided to the United States in February 2014 was incomplete and that some 2.8 million records related to Texas driver licenses and personal identification cards should have been produced to the United States but were not. The Texas DPS data is a critical component of the database matching that the United States has conducted to determine which Texas registered voters have a valid SB 14 photo ID. As indicated in the filing by the *Veasey-LULAC* plaintiffs (ECF No. 432), Defendants' claim of having produced incomplete data raises serious issues.

Since being informed of this for the first time last evening, the United States has been conferring with all parties. The United States has already requested that Defendants produce by the close of business today whatever data they contend was omitted. To the extent that that data has not been produced by the time of tomorrow's hearing, the United States will ask that the

Court order its immediate production. The United States has also advised Defendants that one or more depositions of DPS staff will need to be taken on an expedited basis next week to gather the information necessary to formulate a complete and appropriate course of action that we can present to the Court. Once the United States has sufficient facts to evaluate what further steps are necessary, we will confer with all parties, including Defendants, regarding implementing those steps and seek the Court's further assistance to the extent required. As such, the United States will likely seek a hearing with the Court next week following receipt of the data and an initial deposition of DPS staff.

Date: July 23, 2014

KENNETH MAGIDSON
United States Attorney
Southern District of Texas

Respectfully submitted,

JOCELYN SAMUELS
Acting Assistant Attorney General
Civil Rights Division

Anna M. Baldwin
T. CHRISTIAN HERREN, JR.
RICHARD A. DELLHEIM
MEREDITH BELL-PLATTS
ELIZABETH S. WESTFALL
BRUCE I. GEAR
JENNIFER L. MARANZANO
ANNA M. BALDWIN
DANIEL J. FREEMAN
Attorneys, Voting Section
Civil Rights Division
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 305-4278
Fax: (202) 307-3961

CERTIFICATE OF SERVICE

This certifies that I have this day filed the within and foregoing **United States' Notice in Response to Defendants' Advisory** electronically using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record through the Court's electronic filing system.

This 23rd day of July, 2014.

s/ Anna M. Baldwin
ANNA M. BALDWIN
Attorney, Voting Section
Civil Rights Division
U.S. Department of Justice
anna.baldwin@usdoj.gov